

## MINUTES

January 30, 2009

Minutes of the legislative meeting of the State Board of Education held January 30, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 11:40 a.m. Janet A. Cannon, Chairman of the Law and Policy Committee presided

### Members present were:

Chairman Debra G. Roberts  
Vice Chairman Dixie L. Allen  
Member Laurel O. Brown  
Member Kim R. Burningham  
Member Janet A. Cannon  
Member Leslie B. Castle  
Member David L. Crandall  
Member Greg W. Haws  
Member Shelly Locke  
Member Carol A. Murphy  
Member C. Mark Openshaw  
Member David L. Thomas

Members Rosanita Cespedes, Meghan Holbrook, Michael Jensen, Denis Morrill and Richard Moss were excused.

### Also present were:

Superintendent Patti Harrington  
Deputy Superintendent Larry Shumway  
Associate Superintendent Brenda Hales  
Associate Superintendent Todd Hauber  
Associate Superintendent Judy Park

### Members of the Press:

Amy Stewart, Deseret Morning News

Representative Wayne Harper  
Representative Carol Spackman  
Moss Representative Ronda Menlove

### Utah State Office of Education Staff;

Paula Plant, School Children's Trust  
Margaret Bird, School Children's Trust  
Randy Raphael, Business Services  
Larry Newton, Business Services  
Cathy Dudley, Business Services  
Jean Hill, Law, Legislation and Educational Services  
Mary Shumway, Student Achievement and School Success  
Emily

February 20, 2009

Eyre, Business Services LesLee Snelson, Law, Legislation  
and Educational Services

Member Janet A. Cannon welcomed everyone and gave a brief overview of the purpose of the meeting.

Legislative School LAND Trust issues

Superintendent Patti Harrington explained the purpose of the item relative to the identity of the beneficiary for the student from the school land trust. It is the Board of Education and it designated the superintendent to carry the beneficiary information to the legislature and others. Dr. Harrington requested clarification on the issues. She suggested that the Board give her authority to deal with the trust lands and let them move forward. There are four pieces of advocacy the trust lands would like to carry forward. These are not bills or budget items but things we would like to watch carefully on the hill. (1) The Natural Resources Committee is looking at their budget and the trust lands employees would like to go up and make sure they not take action that will harm the school land trust. (2) In 2007 we agreed with the Department of Natural Resources that when they would like to allow hunters and fishermen on the trust lands we would allow that and there would be a fee paid from Natural Resources to the Trust Lands for this use. The Trust Lands administration would like to reinforce the memorandum of understanding with the Department of Natural Resources. (3) Trust Lands has been asked if they might pay for fire suppression on the trust lands. We have a 2003 Attorney General Opinion that states that there are payment in lieu of taxes already coming to Natural Resources for fire suppression and those payment would also cover trust lands. We would advocate we not pay further on this. (4) HB 11 is a full recodification of the Department of Natural Resources which may dramatically change that department and in so doing they might come close or be direct about some trust lands issues. She would like the trust lands staff to be comfortable with giving input on this. At whatever point it becomes dangerous that we may loose some power or ability or in some way protecting our trust lands then the Board would become involved.

Dr. Harrington questioned the Board as to whether or not they were comfortable with her judgment to tell the trust lands department to move forward on all four of these advocacy points.

February 20, 2009

It was noted that the bill passed out with no comments and no changes, and it is just to place it in one place.

Motion was made by Member Greg W. Haws and seconded by Member Laurel O. Brown to direct the superintendent to represent the Board's interest on these specific points, with specific endorsement of the bill to come before the board. Motion carried unanimously.

(For complete details see General Exhibit No. 10800.)

HB 229 Public School Funding

Larry Shumway presented the comparison of School District Funding Sources Bills. (For complete details see General Exhibit No. 10801.)

Representative Wayne Harper explained his bill and it was his attempt to improve funding for education. He noted that (1) It will dedicate sales tax to public education; (2) stabilizes property taxes; and (3) increases sales tax 1.45%. He indicated that the bill is crafted to be revenue neutral.

Following questions of Representative Harper about his proposed legislation, also the length of the bill, Member Dave Thomas indicated he had read the entire bill.

Motion was made by Member David L. Thomas and seconded by Member Kim R. Burningham that the Board oppose the bill with a description of the issues the Board has with it.

Member Greg Haws suggested that rather than oppose, the Board take a position of watch because it is early in the process.

It was noted that the bill did not come out of the Tax And Revenue Committee favorably during the Interim Committees, and it is currently being held in the education committee.

Member Laurel Brown and Shelly Locke spoke in opposition to the motion.

Vice Chairman Dixie Allen suggested that the Board be specific of what it supports or does not support.

Member Kim Burningham commented that it was important that the Board take a position early on, and by not doing so we limit our influence.

February 20, 2009

Motion carried with Members Allen, Burningham, Cannon, Castle, Crandall, Murphy, Openshaw, Roberts and Thomas voting in favor; Members Brown, Haws and Locke opposed.

State Board of Education Election Process

Representative Carol Moss explained her bill, HB 150, which takes the school board election process back to the public and is non partisan. It also includes changes in the time of reporting financial disclosures to reflect those of other candidates.

Member Janet Cannon noted that the Board had previously voted to support a position of a direct election.

Representative Rhonda Menlove reported that her bill is doing the same thing for a non partisan election of the State Board. She indicated that this will bring it from both sides of the isle and eventually at some point they will be joined.

Representative Menlove reported that the House caucus just voted a revised budget which includes another \$15 million in backfill for public education. This will help in the 2009 budget. This will still need to go to Executive Appropriations and the Senate.

Motion was made by Chairman Debra G. Robert and seconded by Vice Chairman Dixie L. Allen that the Board support the concept of these two bills in going to an open process for election of state board members. Motion carried unanimously.

Motion was made by Chairman Debra G. Roberts and seconded by Member David L. Thomas that the Board prefers to stay with the election process as it currently is rather than a partisan process.

Member Greg Haws noted that the ballot position is critical and suggested that the position on the primary ballot be by lottery selection. He suggested an amendment to the motion to add that when the Board sponsors a bill they write a letter indicating its support, or if we do not support a bill we so indicate the reasons for not supporting it.

The amendment was accepted by the makers of the motion.

Member Haws further suggested that the election might be moved to an off-year election which is non partisan.

Representative Menlove responded that there are some reasons not to do it because of statewide elections and the cost of doing this.

February 20, 2009

Member Kim Burningham spoke in support of Member Haws' suggestion indicated the education races get lost in the larger races and if you put it in between year it would be good for education in general.

Motion as amended carried unanimously.

(For complete details see General Exhibit No. 10802.)

#### Legislative Session Procedures

Chairman Debra G. Roberts presented two issues for discussion relative to Legislative Session procedures: (1) The Board needs to give the legislative team some guidelines and parameters. Because things move so quickly on the hill it is not conducive to say to Members Cannon and Thomas, and Superintendent Harrington and Larry Shumway that they can only take a stance if there has been an actual vote of the entire board. This leaves them very handcuffed. Otherwise, we can say we have great trust in the Superintendent and she understands the basic philosophy of the Board and allow her to take stands with Members Thomas and Cannon as they speak with legislators giving them much more to work with. The Board needs to decide what parameters they are more comfortable with. Her personal feeling is the Board needs to give them as much latitude as possible and trust them in the stands they take.

2. It would be wisdom on the part of the Board to make a broad based statement along the ideas that in this budget year when we are asking our local boards to make tremendous and hurtful cuts, that perhaps we should set some ceiling on how much is put to any kind of new program.

Member Kim Burningham spoke in favor of the 2<sup>nd</sup> issue.

Motion was made by Member Kim R. Burningham and seconded by Vice Chairman Dixie L. Allen to support requiring a monetary limit on new programs, no more than \$1 million. Member Burningham clarified that the Board does not feel there needs to be any new programs, but in recognizing there may be some new ones, they should be limited to critical new programs, and a total aggregate of \$1 million. Motion carried unanimously.

Member Greg Haws commented that he appreciates trust in all, however, this is the purpose we meet weekly. He would like to stay with procedure we have. The legislative team would be free to discuss what has been discussed in these meetings, but the proposal would negate the purpose of the weekly legislative meetings.

February 20, 2009

Chairman Roberts questioned if there was somewhere within the spectrum that some latitude could be given, speaking to general board philosophies.

Member Kim Burningham offered an alternative, that this board has to take responsibility for a position of yes or no. If the Board's position is needed sooner, he questioned if it were possible to hold a conference call vote. Twila Affleck indicated this was contrary to the open meetings act and the Board Bylaws.

Member Dave Thomas offered another option to empower the superintendent and Dr. Shumway to take positions from the office and not saying it is the board's position.

Member Janet Cannon noted that in the past positions were given from a staff member and did not fit within the information she had received from constituents. She indicated that the Board of Regents leadership is allowed to take action on behalf of the entire Board of Regents. She is aware that in some instance they have done some things and other Regents felt were unheard and they felt left out. Perhaps it is a more cumbersome and slow process but it lets us do our job as elected representatives of our constituents.

Member Dixie Allen stated that the idea was to have more flexibility, however, the idea is to have some really clear cut non negotiable beliefs of the board that the legislative team can go to the hill and know they are supporting the Board. We realize that we may not be able to put this into place until next year. The idea is to move toward this direction so that our staff and our legislative liaison and board leadership has a clear understanding of our beliefs and those that are non-negotiable. The hope is to move forward so we are a voice rather than an aftermath.

Member Laurel Brown spoke against this direction indicating that she has been on the Board for a number of years and the same for legislative session and we have been through hundreds of bills without giving more authority to the legislative team or staff. She felt the staff has known what the Board's positions have been in terms of the basic belief system, etc. When it gets down to it they are not asking for a position of the belief system, but rather a position on a specific bill. The Board needs to be able to have the say into the process. Board Electronic Communications - Guidelines and Limitations

Jean Hill presented information relative to guidelines and limitations relative to using email, etc. She reported that legally this is uncharted territory. There is no case law yet. She identified some basic premises for the Board in using email and not using it to conduct board

February 20, 2009

business. (For complete details see General Exhibit No. 10803.) HB15 Career and Technical Education Amendments

Motion was made by Member Greg W. Haws seconded by Kim R. Burningham to defer this item to a future agenda. Motion carried unanimously.

Meeting adjourned at 1:40 p.m

## MINUTES

February 6, 2009

Minutes of the meeting of the State Board of Education held February 6, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m. At the request of Chairman Debra G. Roberts, Vice Chairman Dixie L. Allen presided

Members present were:

Chairman Debra G. Roberts  
Vice Chairman Dixie L. Allen  
Member Laurel O. Brown  
Member Kim R. Burningham  
Member Leslie B. Castle  
Member Rosanita Cespedes  
Member David L. Crandall  
Member Greg W. Haws  
Member Michael G. Jensen  
Member Shelly Locke  
Member Denis R. Morrill  
Member Richard Moss  
Member Carol A. Murphy  
Member C. Mark Openshaw  
Member David L. Thomas

Board Members Janet A. Cannon, Meghan Holbrook and Charlene Lui were excused.

Also present were:

Superintendent Patti Harrington Deputy  
Superintendent Larry Shumway  
Associate Superintendent Brenda Hales  
Associate Superintendent Todd Hauber  
Associate Superintendent Judy Park  
Executive Director, USOR, Don Uchida  
Public Affairs Director, Mark Peterson  
Board Secretary Twila B. Affleck

Members of the Press:

Loretta Park, Standard Examiner Amy  
Stewart, Deseret Morning News Kirsten  
Stewart, Salt Lake Tribune Ryck Astle,  
Bountiful High School Mike Moss, Bountiful  
High School Holly Langton, Utah PTA Paul  
Shulte, Highland High School Leah Spencer,  
AFT Robert Spencer, AFT George Park,  
Garfield School District Ellen Thompson,  
Utah Education Association



February 20, 2009

G. W. Leonard, Utah School Employees Association

Utah State Office of Education Staff:

Emily Eyre, Business Services

Randy Raphael, Business

Services Von Hortin, Business

Services Larry Newton, Business

Services Cathy Dudley, Business

Services

Vice Chairman Dixie Allen called the meeting to order. She excused Board Members Janet A. Cannon, Meghan Holbrook and Charlene Lui. Welcome

Board Member Michael Jensen led the Board in the Pledge of Allegiance.

Board Member Rosanita Cespedes welcomed everyone to the meeting and offered a prayer in Spanish.

Issue of the Month

Superintendent Patti Harrington shared information on Creating A Culture of Excellence which included Defining School Culture, Building a School Culture of Discipline, Unleashing Continuous Improvement and Thought Questions. (For complete details see General Exhibit No. 10804.)

Member Greg Haws reported that at the last NASBE meeting it was reported on the impact of the inauguration of the President in some schools. He indicated that the culture does make a difference and in several schools, especially in the DC area, the students were coming to school [boys with ties on] with the idea they did not want to do anything to embarrass their new president.

Member Denis Morrill commented that clothes do make a difference but to try to impose it from this end is a mistake and did not think it could be done successfully.

Vice Chairman Dixie Allen commented that if students believe they can be successful they can be successful. School environment can do this for students as well as people in the community.

Following the discussion it was concluded that further discussion at a study meeting might include how the dress affects the climate of the school, particularly the wearing of uniforms and attendance requirements comparing private and public schools.

February 20, 2009

The Board recessed into Standing Committee Meetings

The Board reconvened at 10:30 a.m.

#### Achievement Spotlight

Associate Superintendent Brenda Hales reported that three high schools in Utah have recently received the “Fifty Year Award” from the National Association of Accredited Schools. They are recognized for dedication to school improvement through self evaluation and adherence to accreditation standards for fifty year. Bountiful High School, Highland High School, and Wayne High School, all were first accredited in 1958.

Principals from each of the schools were presented a plaque from the National Association of Accredited Schools and an Excellence Certificate from the Board.

#### Legislative Update

Deputy Superintendent Larry Shumway presented key bills and issues relative to legislation being proposed by the legislature. (For complete details see general Exhibit No. 10805.)

##### HB 264 - Educator Evaluation Amendments

Motion was made by Chairman Debra G. Roberts and seconded by Member Laurel O. Brown to take a position of support. Motion carried unanimously.

##### HB 296 - Schools for the Deaf and Blind Amendments

Member Laurel Brown, Chairman of the Curriculum Committee reported that the Curriculum Committee had a lengthy discussion of this legislation today and it is likely that there will be several changes to the legislation, therefore, they decided not to take a position on the bill today but wait for the next Board Legislative Meeting. Karl Wilson, Director, Title I Programs including the Utah Schools for the Deaf and the Blind presented an analysis of HB 296 and some of the changes the sponsors may include. (For complete details see General Exhibit No. 10806.) Member Brown reported that the Curriculum Committee recommends a hold position until the next legislative meeting.

##### HB 328 - Teacher Quality Amendments

Dr. Shumway reported that Representative Hughes will be here at lunch to discuss this bill. It was noted that this needs to fit within the \$1 million aggregate.

##### SB 48 - Teacher Licensing by Competency Amendments

February 20, 2009

There have been many people who have the background to teach that are prevented to do so by the licensure process in place. Senator Buttars may come for lunch to discuss this bill.

SB 92 - Local Government Cooperation in Education Matters

Motion was made by Member David L. Thomas and seconded by Member Denis R. Morrill to support the legislation. Motion carried unanimously.

SB 100 - Financial and Economic Literacy Education Amendments

Motion was made by Chairman Debra G. Roberts and seconded by Member Michael Jensen to support. Motion carried unanimously.

SB 159 Math Education Initiative

Member Brown reported that the Curriculum Committee discussed this bill. Dr. Shumway reported that Senator Stephenson will come for lunch to discuss this legislation. Associate Superintendent Brenda Hales explained the minor differences in Singapore Math and our math standards, indicating the differences are mostly in training.

Member Leslie Castle voiced concern that the legislature should not be developing the curriculum and then telling us we would need to use it and the cost is not included.

HB 15 - Career and Technical Education Amendments

Superintendent Harrington provided a synopsis of the bill. It gives the UCAT Board their own independence. It disallows further feasibility studies. It also places a UCAT Board member as a non-voting member of the State Board of Education and a Member of the Board of Education on the UCAT Board as non-voting.

Motion was made by Chairman Debra G. Roberts and seconded by Member David L. Crandall to support the legislation.

Member Kim Burningham questioned if the funding would still come under higher education. He commented that as he reads the bill it sets up a third independent board which would have the power to advocate for funding. It would be a third party making a plea for money and they would have access to use the same pot of money that supports public education in general.

Vice Chairman Dixie Allen commented that UCAT has already been able to ask for separate money for the last six years at least. This new proposed board is different from the

February 20, 2009

current UCAT board in that two-thirds of the members are industry based. That group would have increased power.

Deputy Superintendent Larry Shumway, reported that UCAT resources come through the Commerce Appropriations Committee. Part of the compromise is to succeed independence of the UCAT board.

Member Dave Thomas voiced the same concerns as Member Burningham relative to a third board and its independence.

Motion to support failed with Members Allen, and Roberts voting in favor; Members Brown, Burningham, Castle, Haws, Jensen, Morrill, Murphy, Openshaw and Thomas opposed; Member Moss absent and Member Locke abstained.

Motion was made by Member Carol Murphy and seconded by Member Mark Openshaw to place this legislation on the agenda for next Friday's legislative meeting.

Member Dave Thomas reported that the bill is sitting right now in the Senate Education Committee and if on Monday it passes out of the committee this may be over by Thursday.

Motion failed with Members Allen, Crandall, Jensen, Murphy, Openshaw and Roberts voting in favor; Members Brown, Burningham, Castle, Haws, Locke, Morrill and Thomas opposed; Member Moss absent.

#### A Call to Civility and Community

During the Board's informal meeting February 5, 2009 they discussed the document "A Call to Civility and Community." The document has been distributed to many organizations with the request that they support the concepts identified therein. The document includes five ground rules of civic and public engagement. (For complete details see General Exhibit No. 10807.)

Motion was made by Member Kim R. Burningham and seconded by Member C. Mark Openshaw that the Board participate and sign its name to the document. Motion carried unanimously.

#### Public Participation/Comment

Richard Prows presented information to the Board relative to Discovery Gateway/Junior Achievement. (For complete details see General Exhibit No. 10808.) His

February 20, 2009

proposal was that the education paradigm needs to be changed and students need to be prepared for work. The schools need to teach application and relevancy. He also requested that the Board

implement the principles identified in the Senate Resolution from the 1987 General Session entitled "Utah Work Ethic Resolution."

Geoffrey W. Leonard, General Counsel for the Utah School Employees Association requested that the Board adjust their administrative rule, R277-601, Standards for Utah School Buses and Operations relative to the use of electronic devices for personal use by bus drivers to remove the requirement that the bus be off the roadway before they can use their cell phone.

#### Board Standing Committee Reports

##### **Finance Committee**

Member Greg W. Haws, Chairman of the Finance Committee presented the following recommendations from the Committee:

#### Utah State Board of Education's Budget

In view of the overall economic downturn facing the State of Utah, specifically, and the country as a whole, the Finance Committee requested that the Utah State Board of Education's operating budget be reviewed. The Committee reviewed the Board's operating budget. (For complete details see General Exhibit No. 10809.)

Member Haws reported that one thing we should do is take a close look at the actual expense that the board incurs. Over the years many things that didn't have a home in the budget ended up under the category of the board. Some are merely pass-through collections and distributions. The Committee asked that this be redone so when the budget of \$2 million appears, no one would be thinking that by eliminating the Board they could save \$2 million. The Committee has looked at the budget very carefully and it is the recommendation of the finance committee that we direct leadership to carefully consider additional travel costs from the Board throughout the remainder of this fiscal year and into the next, particularly as it relates to out of state travel. Secondly, they recommend to the Board that Board members make a symbolic effort, since the budget has been reduced, that for the remainder of this fiscal year we take a 3.6% reduction in the stipend compensation we receive. In an effort to support the entire efforts of education. We recognize that this stipend is in statute, but that board members make this on a

February 20, 2009

voluntary basis and we charge the Board Secretary, Twila Affleck to carry out the administrative part of this.

The Committee is also looking at the cost of producing this meeting and one of the things they are recommending is that the General Consent Calendar portion of the agenda packet no longer be printed and distributed, but that it be produced and sent electronically to the Board.

It was noted that this was listed as a discussion item and that the Board should not take action on this item. This is a reported item only. Key Points of the Legislative Audit, A Performance Audit of School Busing

On November 18, 2008, the Office of the Legislative Auditor General released *A Performance Audit of School Busing*. The Utah State Office of Education is in the process of responding to all of the recommendations that were made and discussed some of the key points of the audit. Several of the audit recommendations will be adopted into the current revision of *Standards for Utah School Buses and Operations*. However, the audit recommended that the State Board of Education address, through an administrative rule, issues relating to school buses being used for non-pupil transportation, and school buses traveling over state lines.

The auditor recommended that the Board review the risk components of both issues as State Risk Management has expressed concern of liability exposure. Also, other factors reviewed included: use of state funds to subsidize private sector activities, infringement on busing competition, capitalization and depreciation schedules of buses, participation of school districts in broader community affairs, and various other factors. (For complete details see General Exhibit No. 10810.)

The Committee reviewed and discussed issues surrounding the use of a school bus for non-pupil transportation and for traveling over state lines. The Committee directed staff to prepare a position statement for final review at a future committee meeting. Notification under Rule R277-484-8, Data Standards, Financial Consequences of Failure to Submit Reports on Time

Two charter schools, Tuacahn High School for the Performing Arts and Success Academy, failed to submit the 2007-2008 Financial Audit Report by November 30, 2008. Under Board Rule R277-484-8A(2), USOE must notify the Board that the Minimum School Program (MSP) fund transfer will be stopped until the late report is submitted.

February 20, 2009

The Finance committee received notification of the Utah State Office of Education that both of these schools have now submitted their 2007-2008 Finance Audit Reports and no action will be taken by the State Office of Education to withhold MSP fund transfers.

The Committee received the information. No action was required.

#### Executive Session

Motion was made by Member Michael G. Jensen and seconded by Member C. Mark Openshaw that the Board move into an executive session for the purpose of discussing personnel issues and potential litigation following lunch. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 12:30 p.m.

The Board recessed from Executive Session at 1:00 p.m. for the purpose of discussing legislation with the following Senators and Representatives. Discussion with Senators and Representatives

Senator Howard Stephenson, shared information on his bill SB 159, Math Education Initiative.

Senator Stephenson acknowledged that Singapore Math will require intensive training on the part of the teachers and requires new textbooks and work books. The bill basically funds the intensive training for sufficient teachers to handle 10,000 students and the trainers for those teachers.

Senator Stephenson reported that he has met with the Governor and he is interested in seeing if we can create a partnership with the people in Singapore to get this implemented.

Senator Stephenson commented that this would be on a competitive basis among the schools administered by the State Office of Education.

Senator Stephenson noted that they are making amendments to the bill beginning with striking Lines 134-147.

Representative Greg Hughes presented his proposed legislation, HB 328, Teacher Quality Amendments, indicating it was his desire to have a teacher quality bill that would identify and reward teaching excellence in the classroom. He acknowledge that this is a pretty big thing to tackle. He reported that they have been holding interim meetings and studying the issue in trying to find a plan. He stated that this year budgets are difficult, and there are appropriations required

February 20, 2009

for legislation like this and the best we can hope for is a pilot program. He further reported that both he and Dr. Shumway agree on the bill.

Deputy Superintendent Larry Shumway stated that the idea for a pilot came as a proposal from the Differentiated Compensation Workgroup with an appropriation request of \$300,000 for a pilot program in elementary grades.

Senator Chris Buttars presented his proposed legislation, SB 48, Teacher Licensing by Competency Amendments. This would modify the procedures for obtaining a competency-based license to teach.

Representative Tim Cosgrove presented his proposed legislation, HB 146, Expenditures of School and Institutional Trust Land money by School Districts. This bill allows School LAND Trust Program monies to be used to purchase solar or geothermal systems for installation on school property. He indicated that his idea was to help compound this investment.

#### Executive Session Continued

The Board moved back into executive session at 1:50 p.m.

Motion was made by Member Denis R. Morrill and seconded by Member C. Mark Openshaw that the Board reconvene into open meeting. Motion carried with Members Burningham, Castle, Crandall, Haws, Jensen, Locke, Morrill, Moss, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Brown absent. The Board reconvened at 2:18 p.m.

**Utah Professional Practices Advisory Commission Recommendations** Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas that the Board adopt the recommendation of the Commission in Case No. 08-857 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in Jordan School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for 18 months from the date of formal action by the State Board of Education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted prior to the reinstatement of his license. The educator's suspension results from his use of school equipment and information systems to access and view pornographic and other inappropriate images during school contract time and on school district equipment. Motion carried unanimously.



February 20, 2009

Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas that the Board adopt the recommendation of the Commission in Case No. 08-866 and accept a stipulated agreement whereby an inactive educator voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for two years from the date of formal action by the State Board of Education or until such time as his court-ordered probation is successfully terminated. At the conclusion of two years or when the educator's court-ordered probation concludes, he must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted prior to the reinstatement of his license. The educator's suspension results from his conviction and sentence of probation for failing to report the existence of ricin on his property. Motion carried unanimously.

(For complete details see General Exhibit No. 10811.)

#### **Monticello Charter School**

The Board received a Request for Board Action and appeal of the State Charter School Boards decision from the Monticello Academy.

Motion was made by Member David L. Thomas and seconded by Member Carol A. Murphy to deny the appeal on the basis that the Board does not have jurisdiction over the matter. Motion carried unanimously.

#### Legislation Discussion/Action Continued

**HB 328, Teacher Quality Amendments**, Representative Greg Hughes Motion was made by Chairman Debra G. Roberts and seconded by Member Kim R. Burningham to support the legislation with the proviso that it fits within the \$1 million appropriations ceiling set by the Board.

Member Carol Murphy suggested that Senate Bill 4 and this one might be folded together. It was clarified that it would be easier to keep it separate for now.

Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Locke, Moss, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Morrill absent.

**SB 48 - Teacher Licensing by Competency Amendments**, Senator Chris Buttars Deputy Superintendent Larry Shumway suggested that instead of striking the language district competency based license and adding the language or a person so it was just a new avenue, that our licensing staff could work with. He indicated that the legislation has passed the Senate

February 20, 2009

Education Committee and we could see if he would amend it prior to it going to the House Education Committee. He recommended that the Board not take a position and to wait a week.

**SB 159 - Math Education Initiative** - Senator Howard Stephenson

Deputy Superintendent Shumway reported that he and Associate Superintendent Hales reviewed this legislation during the lunch break and they would like to see the legislation modified. Senator Stephenson already indicated they would strike lines 134-147. In addition, we would recommend the following: Strike 2, 27, 28, 29, and 54, on line 102 change the number to 200, lines 117 strike "that corresponds to 1050." and 1060 and other language because it is not possible to do. Strike Line 123, strike all of 134-147 and 148-156, lines 170-171, and lines 186-199 and 186-199, change 224 to 500,000 which will do 2,500 students; and strike lines 229-230.

Motion was made by Member Kim R. Burningham and seconded by Member Michael G. Jensen to accomplish the above amendments.

Member Dave Thomas questioned the need for removing lines 148-156. Following discussion of the reasons for doing so, Dr. Shumway suggested that wording could be added as follows: The Board will make rules in accordance with the Administrative Rules Making Act to evaluate the effectiveness of the professional development associated with approved pilot programs.

Member Burningham clarified his motion that with these proposed changes to the bill, including the rewording of lines 148-156, the Board would move to a position of support. Motion carried unanimously.

**HB 146 - Institutional Trust Land Money by School Districts** - Representative Tim Cosgrove

Motion was made by Member Laurel O. Brown and seconded by Member Denis R. Morrill to watch. Motion carried unanimously. Board Standing Committee Reports

**Law & Policy Committee**

Board Member Richard Moss, Vice Chairman of the Law and Policy Committee presented the following recommendations from the committee: Distribution of Funds from the School Trust Lands Account and Administration of the School LAND Trust Program, Section 3, Distribution of Funds - Determination of Proportionate Share, R277-477-3

February 20, 2009

The School Trust Lands Account provides funding to local schools through the School LAND Trust Program. Local school community councils prepare four plans for the use of these

funds: 1) school improvement plan 2) reading achievement plan 3) professional development plan and 4) child access routing plan. School plans require approval by district or charter school governing boards of education. Local control of these funds is an essential guiding principle in the implementation of this program.

R277-477-3 is being amended to ensure that local school community councils and governing boards of education have the entire flexibility provided in statute to determine the uses of these funds in ways which best serve local needs. The Committee reviewed the amendments to the rule, including those presented in the meeting, identified in “blue” and made further amendments, identified in “red.” (For complete details see General Exhibit No. 10812.)

The Law & Policy Committee approved the amendments to R277-477-3 on first reading and moves that the Board approve the amended section of the rule, R277-477-3 Distribution of Funds - Determination of Proportionate Share on second reading. Motion carried unanimously.

Educator Licensing and Data Retention,  
Section 4, License Levels, Procedures  
and Period of Validity, R277-502-4

R277-502-4 Educator Licensing and Data Retention, currently provides that a Level 3 license may be issued by the Board to a Level 2 license holder who has achieved National Board Professional Teaching Standards Certification or who holds a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association, or who holds a doctorate in the educator’s field of practice. The amendment to the rule provides language that requires Level 3 license holders to remain current on these certification requirements in order to renew a Level 3 license. The Committee reviewed the amendments to the rule. (For complete details see General Exhibit No. 10813.)

The Committee approved the amendments to R277-502-4 License Levels, Procedures, and Periods of Validity on first reading and moves the Board approve the rule on second reading. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Locke, Morrill, Moss, Murphy, Openshaw and Thomas voting in favor; Member Roberts absent. School Community Councils, R277-491

February 20, 2009

School community councils are charged with a variety of planning and other responsibilities, under the direction and approval of local boards of education or, for state-sponsored charter schools, the State Charter School Board. These councils are of particular

importance in the implementation of the School LAND Trust Program. School Community Councils must have board approval for four plans: 1) school improvement plan, 2) reading achievement plan, 3) professional development plan, and 4) child access routing plan. Local control of these funds is an essential guiding principle in the implementation of this program.

The Committee reviewed the changes to R277-491 which are intended to ensure that local school community councils and Boards of Education have the entire flexibility provided for in statute relative to decision making processes. The following amendments were made by the Committee: strike Charter Schools throughout the rule; line 70 strike word “fully.” (For complete details see General Exhibit No. 10814.)

The Committee approved the amendments to R277-491 on first reading and moves that the Board approve the amendment to R277-491, School Community Councils on second reading. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Locke, Morrill, Moss, Murphy, Openshaw and Thomas voting in favor; Member Roberts absent.

Education Employee Required Reports of Arrest, R277-516

Current law and administrative rule require that public school employees with “significant unsupervised access to children” must undergo a background check prior to employment. Law also requires that law enforcement agencies report the arrest of educators to the USOE as well as to school districts and charter schools.

Utah State Office of Education staff have concerns that the current reporting procedures may not result in the full flow of necessary information to ensure student and school safety and security. The rule proposed aims to provide greater protection to students and schools by establishing requirements that are within the Board’s purview. (For complete details see General Exhibit No. 10815.)

The Committee reviewed the proposed new rule which will require self reporting by public school employees and certain state employees of any arrest of that individual. Additionally,

February 20, 2009

the rule would require self-reporting of any moving traffic violation for public school employees who operate any vehicle in the course of the duties of their employment.

Mr. Geoffrey Leonard, General Counsel for the Utah School Employees Association spoke against the rule.

The Committee directed staff to rewrite the rule based on their discussion. The rule will be brought back to a future meeting.

Model Policy Required Under R277-495,  
Required Policies for Electronic Devices  
in Public Schools

The Board directed staff to create a rule that would require LEAs in Utah to adopt policies regulating the use of electronic devices in public schools. In its meeting of September 12, 2008, the Law and Policy Committee of the Board reviewed a draft rule. This draft rule has been distributed to district superintendents, charter school directors, and others, with a request to provide responses prior to the next meeting of the Board. Also distributed was a draft “model policy.”

Versions of draft model policies were reviewed by the Committee. (For complete details see General Exhibit No. 10816.)

The Committee directed that both of these examples be posted on the web site for districts to select the one they might choose to use. Reductions in Length of the School Year

The Utah State Office of Education recently requested that LEAs provide their plans for managing the reductions of revenue that are anticipated with the current economic conditions and projections. Several of these plans included reductions in school days. R277-419 *Pupil Accounting* establishes the length of the school year. Any change in the number of school days or the total instructional time by an LEA would require Board action. It would be useful for LEAs to receive guidance from the Board as to whether or not such reductions would receive consideration.

The Committee discussed the proposals of LEAs to reduce school days. Staff presented information regarding the number of districts considering this option and the effects this would have. (For complete details see General Exhibit No. 10817.)

February 20, 2009

The door on this isn't closed , but it is not open wide. This is an easy fix to budget constraints and this takes focus off the classroom.

This was a discussion item and no action was recommended from the Committee.

Differentiated Compensation Work Group

The co-chairs of the Differentiated Compensation Work Group presented the work and any conclusions of the Group to the Committee. The Committee discussed the work presented. This is an information item only and requires no action.

**Curriculum Committee**

Member Laurel O. Brown, Chairman of the Curriculum Committee presented the following recommendations from the Committee: Utah Schools for the Deaf and the Blind (USDB) Legislative Amendments Proposal

The Utah Schools for the Deaf and the Blind Workgroup presented recommendations to the Board in its September 2008 meeting. Those recommendations have now been submitted to members of the Legislature and staff at the Office of Legislative Research and General Counsel. The recommendations were considered in drafting the language that would amend current statutory language in the 2009 legislative session.

Staff shared the preliminary Utah Schools for the Deaf and the Blind amendments drafted by the Office of Legislative Research and General Counsel. The presentation highlighted key points, including sections of the draft legislation that are significant departures from the recommendations supported by the Board in September 2008. (For complete details see General Exhibit No. 10818.)

The Committee asked that this be held for the next legislative discussion on February 13.

Procedures for the Utah General Educational Development Certificate, R277-702

In its December 2008 meeting, the Board approved amendments to R277-733, Adult Education Programs, to make provisions for out-of-school youth (16 years of age or older) who may choose to exit K-12 and take the GED tests, and the issuing of a Utah High School Completion Diploma for successful passing of the GED tests. R277-702, Procedures for the Utah

February 20, 2009

General Educational Development Certificate, must now be amended to make the language in the rule consistent with R277-733.

The proposed amendments were presented to the Committee. (For complete details see General Exhibit No. 10819.)

The Committee discussed related board action on the GED, who may take the GED, and procedures. They made a few small corrections which did not change the rule substantially. It allows students 16 to take the GED if they are out of school anyway.

This was for discussion purposes only and no action was required, but action would take place at the next meeting. Legislative Issues

The Curriculum and Instruction Committee requested that Associate Superintendent Brenda Hales and Associate Superintendent Judy Park give a monthly report on current legislative issues that relate to the committee's responsibilities.

Associate Superintendents Hale and Park reported on current legislative activity dealing with the programs that are within the Student Achievement and School Success and the Data Assessment and Accountability Division.

This was an information item and no action was required. Curriculum and Instruction Section Mission and Duties

There was no time to talk about this and it was moved to the next months agenda.  
Executive Officer Report

Superintendent Patti Harrington reported on the following items of information: Information Items

- Letter from the Utah High School Activities Association has sent a letter indicating some cutbacks in high school activities. The Board will be responding to UHSAA and in that response emphasize the critical importance of time in school and of potential assessment changes that may impact their operations.
- The UEA was considering holding its annual conference on October 1, not realizing that the October 1 date is in statute for the financial count of each year. We have advised UEA that we will fully expect schools to be in session on October 1, uninterrupted by a UEA conference.

February 20, 2009

- Superintendent Harrington is meeting with Ronn Robison on February 18 to discuss potential next steps on the *Tough Choices, Tough Times* national discussion.
- The Public Education Appropriations Subcommittee heard the request for base budget support for the USOE and USDB for FY 10 this week as well as for science and arts outreach. She expressed appreciation to Board Members for their support and attendance at these meetings.
- Digital Bridge implementation is well underway, with eight districts in full operation and most districts signing on for the service. Discussion Items
- A Summary of meeting with Board of Regents and Governor - This also came with an attachment of the Year of Mathematics Draft. This will be for both higher and public education. Superintendent Harrington requested that she personally sit on the Governors Math Advisory Board so she can understand and see how we might fold into that.
  - The Governor has created a committee to include Bill Sederberg, Christine Cox and Superintendent Harrington together with Chris Kearn suggesting that we might have a small committee that would work on blending public and higher education with the needs of the workforce together to make sure the systems are talking to each other to help stimulate the economy. Her recommendation is that one board member be involved in this. The Governor has accepted this recommendation.
- Trust Lands Audit - The Public Education Appropriations Committee has requested a joint meeting of them and Natural Resources which may occur in the Interim Session.
- Class Size Audit -
  - Ninety two percent of USOE data matched auditor's data
  - Mismatches occurred with lower class size data and higher class size data.
  - Mismatches occurred from mixed grade classes, multiple section counts, adding in Special Education teachers.
  - Corrections are being made in the data section relative to class size calculations.



February 20, 2009

- School construction – revision needed in square footage calculation; most citations require district or school action.

Member Denis Morrill voiced concern on the costs they are paying for bond issues.

If what he has heard is true, they are paying enormous costs to build charter schools. He requested that our internal auditors look into this.

Superintendent Harrington reported that there is one more audit in process right now relative to background checks on educators.

- American Recovery and Reinvestment Program (Stimulus bill)
- Thirty days after the enactment date the money must roll out to states and 60 days after that 30 days we have to have broken ground or begin remodeling projects. Dr. Harrington presented a draft of what may be needed to qualify for school construction funding.

Member Kim Burningham recommended that Superintendent Harrington make contact with Senators Hatch and Bennett's offices relative to the decisions they may make relative to this. Superintendent Harrington reported that she has been in contact with Representative Matheson's office and his education leader will be in Salt Lake and she will visit with her within the next two weeks. (For complete details of the report see General Exhibit No. 10820.)

#### Board Chairman Report

Chairman Debra Roberts presented the following items of information:

- Most should have received an email from NASBE asking members to contact senators today. She questioned if the Board was interested in sending letter with three bullet point in the NASBE Email.

It was agreed that Superintendent Harrington would send an email to our senators relative to this issue.

- Chairman Roberts expressed appreciation to Board members for attending the legislative meetings representing the Board.

February 20, 2009

- Chairman Roberts shared a meeting schedule for the Public Education Appropriations Committee and asked that anyone who could attend to do so. Also, any public education meetings at the legislature.
- Expressed appreciation to staff when we had challenge from appropriations to put together all the information from districts and also to the districts that responded . This has made a difference Associate Superintendent Todd Hauber and Deputy Superintendent Larry Shumway made a tremendous effort to provide information.
- Meeting with the Governor and Board of Regents.
  - Met with Richard Nelson from the Utah Technology Council who gave her a calendar showing the different companies in Utah that they represent across the Wasatch Front. There is a strong desire for his group to partner with education. She felt there is a need to take advantage of some of his suggestions.
  - Board Goals - Chairman Roberts reminded the Board Member to email their Board Goal priorities Superintendent Harrington with a copy to Dixie and Debra by February 17.
    - Concerns or items to the agenda for the Leadership meeting get them to her.
  - If there are any ideas for Issue of the Month - write them on the Evaluation Form.
  - Change in meeting dates:
    - September 4 Labor Day weekend. Change to September 11<sup>th</sup>. No problem with the change.
    - October 2<sup>nd</sup> to October 9<sup>th</sup>. Problems with change so this date will remain the same..
  - Ideas to ponder: Kim and Janet brought us far with what the Board is and should be, and then hit by vouchers - There is a sense on the Board of trying to define ourselves and understanding of what and who we are. She requested that the Board ponder on the following: (1) budgetary process, what should it look like, how should it be done and what is important to be included in it; (2) what does it mean to have general control and supervision especially in relation to the

February 20, 2009

legislative process; (3) what does public in public education mean? Begin discussions with the Board, Legislative Leadership and the Governor. Hopefully we can tie this to our promises to keep.

- Work/study meeting in the near future – maybe May.

(For complete details see General Exhibit No. 10821.)

Member Kim Burningham commented that we think the legislature reasonable job in not extending budget cuts to public education in general. If that is indeed the feeling of the Board he suggested that a letter from Superintendent Harrington thanking them and indicating that we realize how hard they worked to support public education. It was agreed that such a letter be sent.

#### General Consent Calendar

Motion was made by Member Laurel Brown and seconded by Member Shelly Locke to approve the General Consent Calendar as presented, with the exception of Tab I, R277-601, Standards for Utah School Buses and Operations. Motion carried unanimously.

#### 1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held January 8, 2009.

#### 2. Contracts

The following contracts were approved by the Board:

##### (A) Wally Properties LLC. \$271,044. 4/1/09-3/31/14. - Fed.

To lease office space for the Division of Rehabilitation Services Richfield office located at 150 W 1500 S Main, Richfield, Utah.

##### (B) Kelly Williams. \$50,000. 11/5/08-11/4/11.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

##### (C) Social Solutions. \$28,592.87. 1/30/09-1/29/12. - Fed.

Web based software system for performance management solutions.

(For complete details see General Exhibit No. 10822.)

February 20, 2009

3. Educator Licensing Requests for Temporary Authorization

Requests for Temporary Authorizations as submitted by the school districts were approved as submitted. (For complete details see General Exhibit No. 10823.)

4. Data Standards, R277-484

The following amendments to R277-484 were reviewed by the Board:

District Implementation of UTREx to stipulate that UTREx replace the current USOE Clearinghouse. UTREx will not be fully functional until the 2010-2011 school year.

July 15 Data Submission Deadline Adjustment to stipulate that no re-submission of Clearinghouse data will be allowed later in the new school year. The USOE will sponsor professional development activities in the spring of 2009 to ensure that all LEAs are aware of the need to review all error and summary reports and correct all data errors prior to the July 15 deadline. LEA signatures verifying that the LEA has appropriately reviewed and amended data submissions found on the USOE provided error and summary reports will be a key to improved data quality.

An improved policy that will better define the parameters for responding to research requests.

The Board approved the amendments to R277-484 on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-484, Data Standards, on third and final reading. (For complete details see General Exhibit No. 10824.)

5. Disposal of Textbooks in the Public Schools, R277-433

In 1991, the Utah Legislature enacted a law requiring the Utah State Office of Education to provide rules and procedures directing the disposal of textbooks. The current rule directs school districts to notify the USOE in writing of their intent to dispose of useable textbooks, and the USOE to then compile and distribute a list of available useable textbooks to all school districts each year. It has become apparent that this process is neither effective nor efficient. The amended rule removes the USOE from the process and requires school districts and charter schools to develop policies consistent with their own size, location and circumstances which should enable a more efficient and effective process for disposing of useable textbooks.

February 20, 2009

The Board approved R277-433 on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-433, Disposal of Textbooks in the Public Schools on third and final reading. (For complete details see General Exhibit No. 10825.)

6. Robert C. Byrd Honors Scholarship Program, R277-701

The Robert C. Byrd scholarship program is a national program that identifies students with excellent academic skills in high school and who demonstrate the possibility for continued success in college.

The U.S. Department of Education has developed guidelines for the administration of the scholarship. Federal guidelines state that in order to be eligible for scholarship funds a scholar must be enrolled full time for the first year of study. Recipients have not understood that they must complete a full year of college before they can apply for a waiver or exception.

R277-701, Robert C. Byrd Honors Scholarship Program was amended to say that a scholarship recipient may be allowed, based on prior approval for unusual circumstances, to interrupt or postpone the recipient's use of the scholarship for a period not to exceed 12 months *after the first full year of college is completed*. The rule change will clarify the requirement for waivers or exceptions for the recipients.

The Board approved R277-701 on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rules since that time. The Board approved R277-701, Robert C. Byrd Honors Scholarship Program on third and final reading. (For complete details see General Exhibit No. 10826.)

7. International Baccalaureate Programs, R277-710

The 2008 Legislature passed S.B. 2, which allocated funding for the International Baccalaureate Program (IB). Legislation states that money appropriated to the Board for accelerated learning programs shall be allocated to local boards and charter schools for programs in grades 1-12 for the gifted and talented, advanced placement, and IB.

The IB Program (Diploma, Middle Years and Early Years) is a K-12 model. The current rule does not recognize the Middle and Early Years Programs since classes in grades K-8 are not based on semester hours. Therefore, these programs are not eligible for IB funding. In addition, the current rule states that all candidate IB and approved IB schools shall be equally eligible for funding. There is a two-year approval process to become an IB school. Many schools do not complete the application and approval process. Therefore, only authorized IB schools should receive funding.

February 20, 2009

R277-710, International Baccalaureate Programs, is amended as follows: (1) Fifty percent of the total funds designated for IB shall be equally distributed among all authorized IB programs in the state; (2) The remaining fifty percent allocation shall be distributed equally to schools where students scored a grade of 4 or higher on IB exams, resulting in a fixed amount of dollars per exam passed; (3) Candidate IB programs shall not be eligible for funding.

The following amendments to R277-710 were made at the January 8, 2009 meeting: Where it indicates School Districts also include Charter Schools; R277-710-5 C.(2) strike the word “equally.” It will be distributed to IB high schools where students scored a grade of 4 or higher on the exams.

The Board approved R277-710 as amended on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rules since that time. The Board approved R277-710, International Baccalaureate Programs on third and final reading. (For complete details see General Exhibit No. 10827.)

#### 8. Student Transportation Standards and Procedures, R277-600

At the direction of the 2007 Legislature, a funding formula study committee composed of representatives from the USOE and representatives from small, medium and large school districts developed recommendations for revising the student transportation funding formula. These revisions created greater transparency and equity among the districts. The State Board of Education approved these recommended revisions in their August 3, 2007 board meeting but it was decided to wait to amend R277-600, *Student Transportation Standards and Procedures* until the findings of a Legislative Audit were released.

The Board approved R277-600 on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-600, Student Transportation Standards and Procedures on third and final reading. (For complete details see General Exhibit No. 10828.)

#### 9. Administrative Rule Review

Under provisions of 63-45a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. The following rules were reviewed and approved:

R277-102	Adjudicative Proceedings
R277-413	Accreditation of Secondary Schools
	R277-425 Budgeting, Accounting, and Auditing for Utah School Districts
R277-601	Standards for Utah School Buses and Operations

February 20, 2009

R277-712      Advanced Placement Programs

(For complete details see General Exhibit No. 10829.)

10. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details see General Exhibit No. 10830.)

11. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2008 was provided for information to the Board. (For complete details see General Exhibit No. 10831.)

12. Ratifications

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Susan Spehar was ratified as an Educational Specialist in the Law, Legislation, and Educational Services Division.

13. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved. (For complete details see General Exhibit No. 10832.)

14. Claims Report

The Claims Reports in the amount of \$47,940,373.74 and \$238,183,920.86 for June 30, 2008 and January 30, 2009 respectively were approved by the Board. (For complete details see General Exhibit No. 10833.)

Standards for Utah School Buses and Operations, R277-601

Two issues, the use of electronic and telecommunication devices on school buses and the end of bus route inspection, have been identified on both the local and national level affecting standards for buses and their operations. The amendments to R277601, *Standards for Utah Buses and Operations* will address both these issues and remove antiquated language from the rule that no longer applies.

The Board approved R277-601 on second reading at its January 8, 2009 meeting. There have been no substantive changes to the rule since that time.

February 20, 2009

Motion was made by Member Laurel O. Brown and seconded by Member C. Mark Openshaw to strike the words “off the roadway” in R277-601-3 B(d). Motion carried unanimously. (For complete details of the rule see General Exhibit No. 10834.)

Motion was made by Member Debra G. Roberts and seconded by Member C. Mark Openshaw to adjourn.

Meeting adjourned at 3:35 p.m.



## MINUTES

February 13, 2009

Minutes of the legislative meeting of the State Board of Education held February 13, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 11:40 a.m. Chairman Debra G. Roberts chaired the meeting.

### Members present were:

Chairman Debra G. Roberts  
Member Laurel O. Brown  
Member Kim R.  
Burningham Member Leslie  
B. Castle Member David L.  
Crandall Member Greg W.  
Haws Member Denis R.  
Morrill Member Carol A.  
Murphy Member C. Mark  
Openshaw Member David  
L. Thomas

Members Dixie L. Allen, Janet A. Cannon, Rosanita Cespedes, Meghan Holbrook, Michael Jensen, Shelly Locke, Charlene Lui, and Richard Moss were excused.

### Also present were:

Superintendent Patti Harrington Deputy  
Superintendent Larry Shumway  
Associate Superintendent Brenda Hales  
Associate Superintendent Todd Hauber  
Associate Superintendent Judy Park  
Public Relations Director, Mark Peterson  
Board Secretary, Twila B. Affleck

### Members of the Press:

Amy Stewart, Deseret Morning  
News Holly Langton, Utah PTA  
Raymond Timothy, Superintendent, Park City School District Steve  
Carlsen, Superintendent, North Summit School District Dale Lamborn,  
Superintendent Rich School District Bruce Northcott, Superintendent,  
Daggett School District Duke Mossman, Director, Northeastern Utah  
Educational Services (NUES)

### State Office of Education Staff:

Carol Lear, Law, Legislation and Educational  
Services Larry Newton, Business Services

Chairman Debra G. Roberts welcomed everyone and called the meeting to order.

Analysis of FY 10 Budget

February 20, 2009

John Nixon, Director, Governor's Office of Planning and Budget presented the Governor's Office perspective of the education stabilization money. Mr. Nixon then discussed the revenue projections for the state. He indicated that the Governor's Office of Planning and Budget, the Legislative Fiscal Analysts and the State Tax Commission all get together to determine the revenue projections.

Mr. Nixon stated that the Governor is a big education supporter and would do all he could to help hold education as harmless as possible. His main objective will be to keep the classroom as whole as possible.

Chairman Debra Roberts expressed appreciation to the Governors office and his consistent support of public education.

Deputy Superintendent Larry Shumway commented that the American Recovery and Reinvestment Act states that the money will come through the Governor's office. He questioned if the Governor's office would distribute the money or will it go through the Legislature. Mr. Nixon responded that they will be working with the legislature. He stated that Utah is the best managed state in the nation and we can put politics aside and work things out.

Deputy Superintendent Larry Shumway presented the Previous REAL Value of the WPU information. He indicated that it appears on the spread sheet that there is a mirage that the wpu has not been reduced. It is important that it is clear that the wpu is precisely what has been reduced and the cut was 20.6%. The cuts below the line are actually only 3.4%. There is less flexibility for the districts.

Concern was expressed by some board members that this will not provide an adequate education because it is the wpu that is supporting the basic education of students.

Dr. Shumway reported that in the Utah School Superintendents Association meeting earlier in the day Representative Kevin Garn noted that these cuts would take \$22,000 out of every Utah classroom.

SB 159 (S1) - Math Education Initiative

Deputy Superintendent Larry Shumway reported that the Board had passed a motion last week to support SB 159, Math Education Initiative sponsored by Senator Stephenson if he would agree to make certain changes. He shared the list of amendments that came from the Board and a couple of slight changes that in the process of presenting to him he would not go as

February 20, 2009

far as the Board asked. His substitute bill has two variations from what the Board proposed. Line 102 of the bill, the language the Board adopted was to award grants up to \$200, he would go as far as \$150. The Board motion was to strike the section making grants to higher education and his agreement was to defer any funding for those grants until at least fiscal year 2011, having the same effect, but leaving the language in. Dr. Shumway indicated that based on the discussion and the appropriation being at the lower amount, and still at the low amount the Board had described, and with the effect of deferring the grants to higher education being the same in terms of the appropriation as cutting it, he indicated to Senator Stephenson that this seemed reasonable.

Member Dave Thomas commented that the Board had voted to conditionally support this with these changes.

Motion was made by Member David L. Thomas and seconded by Member C. Mark Openshaw that the Board support SB 159 (S1) with the minor variations because it now satisfies the intent of the board.

Carol Murphy spoke against the motion indicating she could not support this any more because he was not willing to look at optional expenditures.

Member Thomas commented that if we believe this is a reasonable effort we could go the rest of the way to show we are fulfilling what we said we would do. We still need to work with the legislative appropriations committee to get money back in terms of backfill. He has been told they are willing to do that, specifically to the social security portions. He felt it is more productive for the Board to stay at the table, fulfill what we said we were going to do, even if we think they are not doing what we thought they were going to do, we can say but we are.

Member Murphy commented that there is new information today that she did not have a week ago.

Member Greg Haws commented that it comes down to if you are giving me a choice in this current year budget do I want to start a pilot program to do Singapore math in some schools or do I want to leave that money in the basic school program to help keep teachers in a bunch of classes, even though this is a great idea he will not support it at this time. We also talked last week that maybe this is not the time to go off and start new programs. This is not a retaliation, but we are now looking at a choice.

February 20, 2009

Chairman Debra Roberts commented that she did not think the choice is different today than it was a week ago. We knew they were asking for a 15% cut in FY 10 when we made the decision to only support new programs that go up to \$1 million. We were trying to weigh in a compromise. If we take a hard line attitude, we are doing what John Nixon cautioned us not to do.

Member Greg Haws voiced concern that this is Senator Stephenson's beloved program and for him to continue to push this forward above all other of the basic school program, and we hesitate to not support him in that is offensive and he will not support this.

Member Laurel Brown commented that it would be great to have pilot on Singapore math but she is having a hard time accepting the fact we are even doing it this year. She would like to see us ask the legislature to be more prudent in terms of developing new programs. She also indicated she would oppose the motion at this point.

Chairman Debra Roberts noted that the Board had in good faith sent Dr. Shumway out with marching orders and now we are pulling the rug out from under his feet and going to take, somewhat, his ability to work on our behalf and be trusted.

Substitute motion was made by Member David L. Crandall and seconded by Member Carol A. Murphy to take a position of hold until we know more information about the overall budget.

Member Denis Morrill commented that he is troubled that we would make an agreement one week and change our mind the next. He did not agree with that, and he can't now say he does not support what was directed and completed, even though he feels that we now have more information.

Member Kim Burningham spoke in favor of the substitute motion to take no action, postpone for one week, which acknowledges that we are not going against what was said but we have a whole series of new facts now before us. The Board has indicated it would like to see a small pilot on the Singapore math issue.

Member Greg Haws suggested that the Board support the bill, but encouraged the delay of it because of the budget.

Substitute motion was withdrawn by Members Crandall and Murphy.

February 20, 2009

Substitute Motion was made by Member Greg W. Haws and seconded by Member David L. Thomas to support the bill as it has been amended with a strong encouragement to put off implementation one year given the current economic situation.

Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Morrill, Openshaw and Thomas voting in favor; Member Murphy opposed.

Discussion/Positions on Specific Legislation

***SB 199 Equal Recognition of School Parent Groups***

Senator Bramble presented the particulars of his proposed legislation. He was accompanied by Representative Lockhart. Senator Bramble stated that this legislation is not in opposition to PTA's. The bill indicates that school parent groups ought to be given equal recognition, equal access and ought to have a seat at the table when things are being discussed and decisions being made that affect the education of the students.

There have been a lot of concerns with lines 56, 57 and 58 which says a school may not work in conjunction with a parent group that requires the payment of dues as a condition for participation in its group. He offered the following amendment for these lines: Line 58 would read work in conjunction with a parent group that requires the payment of dues as a condition for participation in its group, including participation in volunteer opportunities, leadership positions or the ability to vote unless a waiver of such membership dues is granted upon request.

The Board asked questions and engaged in discussion with Senator Bramble relative to the issues of the bill in that PTO's are being excluded from participation in the activities at the district level when those parents have said they would rather be a PTO than part of the PTA.

Senator Bramble invited board members to participate in the Senate Education Committee. He expressed appreciation to Chairman Roberts for her involvement and in opening lines of communication and different level of confidence. Analysis of FY 10 Budget Cont.

Senator Lyle Hillyard and Representative Ron Bigelow co-chairs of the Executive Appropriations Committee joined the Board for a discussion of the revenue shortfalls.

Senator Hillyard commented that these are very stressful times with regard to revenues. He indicated that there have been many cuts and they have impacted all agencies in various ways. There is no way to take these cuts without a change in paradigm. However, this is not the end. We will find out Tuesday morning where we are, but it will not be a revenue surplus.

February 20, 2009

Senator Hillyard expressed appreciation to Superintendent Harrington stating that she has done a marvelous job in relating with them this year. She has been a real player in the budget discussions.

Senator Hillyard indicated that there have been significant reductions in revenue. If we were to just take the cuts in public education of the 3% in the special session, the 15% targeted (18%) if we were to solve that problem by raising income tax it would be a 20% increase in income tax, just to hold public education harmless.

Senator Hillyard indicated that public education will be very thankful they have not spent any of the rainy day fund. There seems to be a perception that they will never spend it, but they will when they know what they need to spend. If the revenues come down even further than they have projected, they need to be very careful that they end up the year with money in the bank.

Representative Ron Bigelow added that one of the interesting dynamics is that they have increased public education funding over the last couple of years and with what they have done is taken it down to the 2007 levels. This is a quick look at a thing that is much more complex. Those funds are in teacher salaries. We are not reducing teacher salaries, but the reductions come outside of that.

Representative Bigelow noted that the economic stimulus package has just been passed by the House and the expectation is that the Senate will pass it out also. We are not sure of all the details on the restrictions for these monies. This still needs to be studied to see what the impact really is and see what it means for public education.

Representative Bigelow stated that currently the pressure they are getting from the public is don't raise taxes, figure it out with what you have. If there is a significant continuing decrease on Tuesday, it means we haven't hit the bottom and we will need to keep some things in play for somewhere down the road until we do hit the bottom. Most all of the economists are saying it will be significantly down and it will continue until at least mid year. They are looking at the remainder of this fiscal year and the better part of the next as significant challenges.

Senator Hillyard indicated that as soon as they have a chance to digest the numbers on Tuesday he invited Superintendent Harrington, Larry Shumway and others in the office to come and talk with them.

February 20, 2009

Chairman Roberts expressed appreciation to the Senator and Representative for attending the meeting.

Discussion/Positions on Specific Legislation Cont.

**HB 315 *Local School Governance Amendments (Sumsion)***

Representative Sumsion commented that he is not going to run this bill as it is. He talked about the concept and the substitute he is going to propose. This bill would have through a petition of parents of a school would empower the school community council have the authority to transfer a student or principal back to the district for relocation. There are some issues with this, it is very much outside the box. There may be some legal issues related to this approach as well. The genesis is how do we try to get our parents more involved and feel like they have some say at schools. School Community Council Audit is out and there is a wide variance on how the school community councils are functioning.

Representative Sumsion shared the results of a survey he conducted in his district relative to school community councils.

Representative Sumsion will be amending his bill and he will be looking to superintendents and others relative ideas and suggestions as to how to shift more parent involvement in the school community council.

The Board discussed with Representative Sumsion aspects that may be included as he makes modifications to his bill.

**HB 207 (S1) *Concurrent Enrollment Amendments (Holdaway)*** Representative Holdaway presented the basis of his legislation indicating it is an attempt to try to improve legislation that he sponsored and was passed in the 2007 legislature, dealing with the formula for the concurrent enrollment programs. He added some of the things in Senator Dayton's bill and indicated that he was not comfortable with the honors program she is proposing in her bill.

Motion was made by Member Greg W. Haws and seconded by Member Laurel L. Brown to support HB 207. Motion carried with Members Brown, Burningham, Crandall, Haws, Morrill, Murphy, Openshaw, and Thomas voting in favor; Member Castle absent.

**SB 199, *Equal Recognition of School Parent Groups (Bramble)***

Motion was made by Member Greg W. Haws to watch this bill. Further, to express appreciation to him for sharing his views on the bill. In addition, to send a letter to each that

February 20, 2009

attended today and if we haven't taken a stand on the issue to let them know of our appreciation. Further, if we are going to consider taking a position on this legislation next week that the PTA should present their point of view. No action was taken on the motion but this was the consensus of the Board.

***SB 48 Teacher Licensure Amendments (Buttars)***

Member Kim Burningham requested more information on what this legislation entails. Deputy Superintendent Larry Shumway responded that there is a competency based license currently in board rule and statute. The original bill struck from the statute that a local board could apply for a competency based license for an employee and replaced that language with a "person" may. There are 80 teachers currently licensed under competency based with requests from districts. The licensing people indicate that striking the language would be harmful. They could, however, live with the addition of a "person." The action of the Board last week was to say that if Senator Buttars would replace that language that he had cut and add the words "or a person" that would be an amendment we would appreciate and we would not oppose the bill, but we would be neutral.

Member Burningham questioned what are the requirements for an individual to come and receive a license in this way? Are there adequate protections in place? Dr. Shumway responded that a person needs to have a background check, demonstrate competency through the Praxis Test, and have a bachelors degree. The addition here is we would issue an "individual competency based license" where currently we issue a district specific competency based license.

***HB 66 (S2) Property Tax Amendments (Newbold)***

Representative Newbold presented the basis of her legislation indicating that it 1) simplifies the taxation of school districts, it does not change the rules for state participation; and 2) raises the amount of the basic rate.

A letter from the Park City School District was received by the Board indicating there are winners and the losers with this proposed equalization legislation.

Chairman Roberts expressed appreciation to each of the legislators who attend to present their legislation.

It was agreed that next weeks meeting would begin at 10:00 a.m. and conclude at approximately 2:00 p.m.



February 20, 2009

Member Kim Burningham voiced concern that we are only hearing from one side on the issues, and suggested we hear from other sides of the isle.

(For complete details of the materials presented see General Exhibit No. 10835.)

Motion was made by Member Carol A. Murphy and seconded by Member David L. Thomas to adjourn. Meeting adjourned at 2:00 p.m.

## MINUTES

February 20, 2009

Minutes of the legislative meeting of the State Board of Education held January 20, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:10 a.m. Janet A. Cannon, Chairman of the Law and Policy Committee presided

### Members present were:

Chairman Debra G. Roberts  
Vice Chairman Dixie L. Allen  
Member Laurel O. Brown  
Member Kim R. Burningham  
Member Janet A. Cannon  
Member Leslie B. Castle  
Member David L. Crandall  
Member Denis R. Morrill  
Member David L. Thomas

Members Rosanita Cespedes, Greg W. Haws, Meghan Holbrook, Michael Jensen, Shelly Locke, Charlene Lui, Richard Moss, Carol A. Murphy, and C. Mark Openshaw were excused.

### Also present were:

Superintendent Patti Harrington Deputy  
Superintendent Larry Shumway  
Associate Superintendent Brenda Hales  
Associate Superintendent Todd Hauber  
Associate Superintendent Judy Park  
Public Relations Director, Mark Peterson  
Board Secretary, Twila B. Affleck

### Members of the Press:

Amy Stewart, Deseret Morning News  
Steve Peterson, Utah School Superintendents Association and Utah School Boards Association Holly Langton, Utah PTA Dawn Frandsen, Citizen Ray Timothy, Superintendent, Park City School District Duke Mossman, Director, Northeastern Utah Educational Services (NUES) Marilyn Simister, State PTA Joel Briscoe, Davis Education Association

### State Office of Education Staff:

Mary Beth Clark, Student Achievement and School Success  
Marlies Burns, State Charter Schools LesLee Snelson, Law,  
Legislation and Educational Services Paula Plant, School  
Children's Trust Syd Dixon, Law, Legislation and  
Educational Services

February 20, 2009

Member Janet A. Cannon welcomed everyone to the meeting.

Discussion and Public Comment on Bills

***SB 199 Equal Recognition of School Parent Groups (Bramble)***

Holly Langton, Utah PTA commented on the bill that parents voices just need to be heard and the PTA is supportive of that. They do, however, have a conflict with lines 56-58. She shared talking points on the bill.

Dawn Frandsen a parent from Provo spoke in favor of the bill. She indicated that there is only one parent group at her school and she would like equal access without having to purchase (pay a fee) her ability to vote.

Ray Timothy, Superintendent Park City School District reported that in Park City they have both PTO's and PTA's and these groups work very well together, including working with school community councils. He commented that when appointments are being made to advisory groups they try to get good representations, not just the PTA. He did not see the need for this bill because in Park City there is not a problem and he felt it could be worked out as well within the districts and schools without the legislation.

Marilyn Simister, Utah PTA President commented that the PTA feels this legislation is against them because of the dues issue. She indicated that the dues on the average are \$5. The PTA is all about networking so parents understand the issues and know how to work with teachers. The PTA is not against parent groups such as PTO's or other organizations, they just feel it is discriminatory to say you can't have a parent organization that requires dues. They feel bill will take away PTA all together and eliminate parent voice in 70% of the schools.

Chairman Debra Roberts suggested a compromise position of offering scholarships rather than fee waivers for the dues.

Steve Peterson, Executive Director representing Utah School Superintendents and School Board Members spoke against the legislation stating that the PTA has done a great deal of good for many years. He commented that there is a need for more volunteers in the schools and this bill will hinder that participation.

Mary Ann Christiansen, commented that she has had great experiences with PTA, serving as a PTA president twice. She spoke in support of the bill indicating that dues are an

February 20, 2009

issue and some women lack the funds to participate in PTA and find themselves in the outer circle.

### **Board Discussion**

Vice Chairman Dixie Allen commented that line 56 really does eliminate the PTA. She suggested adding the words “work solely in conjunction with.” It was noted that Senator Bramble is open to amendments.

Senator Bramble commented that it is easy to amend the bill on lines 56-59. However, the challenge you have as a board is under what circumstances should public schools be used by other groups to raise money for their purposes. He indicated that as sponsor of the bill he is open to finding the common ground.

Motion was made by Member Kim R. Burningham that the State Board oppose the bill as currently written, but would support the bill if lines 56 to the end of the paragraph were deleted. Motion died for lack of a second.

Further discussion ensued relative to the rewording of line 51 through 58 relative to one organization exclusively, and that parent groups offer scholarships for those that cannot afford the dues.

Motion was made by Member Dave L. Thomas and seconded by Vice Chairman Dixie Allen to support the bill if the changes talked about are made, i.e. line 51, school may not work exclusively with, and Lines 58 take out waives required payment and replace it with provide the scholarship.

Member Laurel Brown voiced concern on taking a position on the bill until Senator Bramble and the PTA have had a chance to work more on the bill. She did not like the perception that the Board does not support the PTA and what they do.

Member Thomas stated that it may be appropriate to hold off because the bill is still going through the legislative process.

Members Thomas and Allen withdrew their motion.

### **HB 66 (S1) *Property Tax Amendments* (Newbold)**

Deputy Superintendent Larry Shumway shared the changes that would occur if HB 66 were to pass along with the percentage of change it would result in for various districts. These

February 20, 2009

would be in addition to the budget reductions coming forth. This bill is magnified on extremes and the variation in wpu's disappears when you get to 400 students.

Ray Timothy, Superintendent Park City School District commented that Representative Newbold had made the statement that it shouldn't matter where you live in the state of Utah you should have an opportunity to an equal education. He indicated that the bill is not an equalization bill it because it severely and negatively, impacts 19 school districts financially. It creates winners and losers. Some have referred to it as a Robin Hood bill, but this is not the case. He urged the board to oppose the bill the same as USBA, USSA, League of Cities and Towns, and Counties have done.

Duke Mossman, Director of the Northeast Regional Service Center urged that board to oppose the bill indicated that the nine districts in his region would be severely affected by this approach.

Member Denis Morrill commented that this is not an equalization across the state. Currently the poor districts are wrapped up with wpu's because they need the money.

Motion was made by Member Denis R. Morrill and seconded by Vice Chairman Dixie Allen to oppose the bill.

Member Kim Burningham commented that when he was a member of the legislature some 15 years ago he sponsored an equalization bill that they called the Robin Hood bill. He would like to see equalization, not only in Utah but across the nation, but this is the wrong time to do such. He spoke in favor of the motion to oppose at this time but to do so in a better economy.

Motion carried unanimously.

#### ***SB 48 Teacher Licensure Amendments (Buttars)***

Joel Briscoe, Davis Education Association, public school teacher for 27 years, and a former member of the Salt Lake City School Board commented that the UEA supports alternative means for people to become teachers, especially the ARL. He explained currently you can teach while you are obtaining the necessary requirements for licensure. They are concerned that the ARL program will be watered down or go away if this legislation is passed.

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member Kim R. Burningham to oppose the legislation for several reasons, but mostly because it is the Board's responsibility to license teachers and we are doing that effectively.

February 20, 2009

Motion failed with Members Allen, Brown, Burningham, Cannon, Castle, Morrill and Roberts voting in favor; Member Crandall and Thomas opposed.

**HB 334 *Writing Assessment and Instruction* (Newbold)**

Superintendent Harrington explained the bill and indicated it would move writing assessment from grades 6-9 to grades 5-8. She reported that the Panel on Assessment supports this bill.

Duke Mossman, NUES reported that seven schools in his area are using direct access writing and encourage support of the bill.

Motion was made by Vice Chairman Dixie L. Allen and seconded by Chairman Debra G. Roberts to support the bill with the hopes that everyone gets what they need to do the job. Motion carried unanimously.

**Trust Lands Bills**

**(i) SB 68 *Mining Protection Amendments* (Killpack)**

**(ii) HB 283 (S1) *Illegal Use of Off-Highway Vehicles* (Noel)**

**(iii) HCR 6 *Concurrent Resolution Expressing Opposition to Congressional Efforts to Expand the Jurisdiction of the Clean Water Act* (Brown)** Paula Plant, School Children's Trust summarized the three bills.

Larry Shumway noted that all three of these bills have passed the committee and passed the House unanimously.

Motion was made by Member Laurel O. Brown and seconded by Vice Chairman Dixie L. Allen that the Board support all 3 bills. Motion carried unanimously.

Superintendent Harrington reviewed HB 149 and indicated that Superintendent Brent Thorne has been working diligently on this, and it has passed.

Motion was made by Chairman Debra G. Roberts and seconded by Vice Chairman Dixie L. Allen that the Board send a letter to Representative Noel and Superintendent Thorne expressing our appreciation for the bill and their support. Motion carried unanimously.

**Legislative Presentation**

**HB 260 (S1) *School Employee Termination Amendments* (Wimmer )**

Deputy Superintendent Larry Shumway explained the original bill prior to the

February 20, 2009

substitute and then the changes made in the substitute. Revenue and Federal Stimulus Update

Associate Superintendent Todd Hauber shared information on the Ongoing Revenue Estimates.

Associate Superintendent Hauber explained that there are two parts, the full estimated amount is about \$53.6 billion for state stabilization, out of that a percent split between education 81.1% including higher education the balance is for the Governor to use. The split of 81.1% based on the amount of reduction that took place. For the state of Utah \$392.6 million is available for public and higher education and the balance for other areas. He then explained the other funding areas.

Mr. Hauber reported that there is a meeting this afternoon in the Governor's Office of Planning and Budget for all of us to begin discussing the allocations.

The Governor has to request the money and in order to do this he needs to provide assurances and the assurances will follow the letter of the law. Legislative Presentation Cont.

### ***SJR 13 - Teacher Performance Pay (Poulson)***

Representative Marie Poulson shared what prompted her to sponsor the resolution. She indicated that she is a former educator and she knows educators are committed to positive reform in education and that educators chose this profession because they want their students to be successful and are constantly working to improve instruction.

Representative Poulson acknowledged that this is not the year for the legislature to fund this type of performance pay, but it is important to take a good look at goals and procedures for performance pay. She highlighted some of the positives about the resolution.

It was noted that this resolution passed the committee the other day and it is on the Consent Calendar next week.

Vice Chairman Dixie Allen commented that after her service on the Differentiated Compensation Workgroup she applauds this effort.

Motion was made by Member Kim R. Burningham and seconded by Member Laurel O. Brown to support HJR 13. Motion carried unanimously. Other

### ***SB 159 (S1) - Math Education Initiative (Stephenson)***

February 20, 2009

Chris Kearn, Governor's Education Director, and Aaron Bertram Chairman of the Mathematics Department at the University of Utah reported that a portion of SB 159 included the Math for America Program. Chris Kearn explained the reasoning behind inclusion of the Math for America Program in SB 159 and requested that the Board lift its cap of financial support for the legislation to include additional support for the Math for America Program. She also shared a letter from the Governor in support of such an action.

Member Dave Thomas commented that he has talked with Senator Stephenson about this and he wants to include the Math for America, but does not want to lose the State Board's support for his bill.

Aaron Bertam, Chairman of the Department of Mathematics, University of Utah explained the Math for America program. He indicated that Utah is well poised for this matching grant.

Ms. Kearn commented that they were not asking for the full \$750,000 maybe just up to \$200,000.

Member Denis Morrill voiced concern that this is the first time the Board has heard about the Math for American in the bill and when Senator Stephenson presented the bill he did not indicate its inclusion.

Discussion ensued relative to how the Board might lower amounts in other areas they have supported to include this amount in their capped amount of \$1 million. Further, that the Board would need more information about this program as well as the Park City Math Institute and its effectiveness in training math teachers.

No action was taken by the Board.

(For complete details of the materials presented see General Exhibit No. 10836.)

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member Laurel O. Brown to adjourn. Meeting adjourned at 1:20 p.m.